



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**26 OCT 2016**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Article No.: 7014 1200 0000 6126 0297

The Honorable Mike Moser  
Mayor, City of Columbus  
2424 14<sup>th</sup> Street  
Columbus, Nebraska 68602-1677

**RE:** Municipal Separate Storm Sewer System  
City of Columbus  
NPDES Permit No. NE-R300007

**Request for Information  
- Prompt Attention Required -**

Dear Mayor Moser:

A representative of the U.S. Environmental Protection Agency performed a desk audit or review of the Municipal Separate Storm Sewer System Program's 2014 and 2015 Annual Reports for Columbus, Nebraska. The purpose of this letter is to obtain additional information so the EPA can determine whether the City is in compliance with the MS4 Program under the requirements of the Clean Water Act.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires the City of Columbus to provide the information requested in **ENCLOSURE 1 within twenty (20) calendar days of receipt of this letter.**

**Guidance on How to Respond**

Please read the instructions and definitions included in ENCLOSURE 1 carefully before preparing your response. Answer each question as clearly and completely as possible. Your response to this request must be accompanied by a certificate that is signed and dated by an authorized representative of the facility, as identified by 40 CFR § 122.22. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. A Statement of Certification is enclosed with this letter (ENCLOSURE 2).

Compliance with this information request is mandatory. Please be advised that submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.



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The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The City of Columbus may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to Columbus. Please note that effluent information may not be regarded as confidential.

Information submitted pursuant to this Section 308 information request, with a signed Statement of Certification (ENCLOSURE 2), shall be sent within twenty (20) calendar days of your receipt of this letter in a manner that allows you to track delivery and addressed as follows:

Angela Acord or her successor  
U.S. Environmental Protection Agency  
Water, Wetlands and Pesticides Division  
11201 Renner Blvd.  
Lenexa, Kansas 66219

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Angela Acord, at phone number (913) 551-7914.

Sincerely,

A handwritten signature in black ink, reading "Karen A. Flournoy". The signature is fluid and cursive, with the first name "Karen" being the most prominent part.

Karen A. Flournoy  
Director  
Water, Wetlands and Pesticides Division

Enclosures

cc: Steve Goans, NDEQ  
Joseph Mangiamelli, City Administrator, Columbus NE

## **ENCLOSURE 1**

### **INFORMATION REQUEST AND INSTRUCTIONS**

The following information is requested by the U.S. Environmental Protection Agency (EPA) pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

#### **I. Instructions**

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. The Statement of Certification found in ENCLOSURE 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b). For your convenience the text of 40 C.F.R. § 122.22(b) is included on ENCLOSURE 2.
5. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. § 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Angela Acord or her successor  
U.S. Environmental Protection Agency  
Water, Wetlands and Pesticides Division  
11201 Renner Blvd.  
Lenexa, Kansas 66219

## **II. Requested Information**

Please submit your response to this Information Request within twenty (20) days of receipt. Please clearly identify your responses with a numbering system corresponding to the questions as listed below. (*See, Section I, Instructions.*) Should the City of Columbus not have the information requested, you must provide a response stating the City of Columbus has no such information, documentation, records, etc. This is required for each numbered or lettered question to which the City of Columbus is unable to provide the requested information.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.

### **A. Preliminary Information**

1. Identify the person to contact regarding your response, including title, address and phone number.
2. Your responses to the questions are to be provided by a qualified professional. Provide the name and credentials of the person(s) providing information in response to this Information Request.

### **B. Municipal Separate Storm Sewer System**

#### **Period of Review**

Unless otherwise stated, the time period for which information is requested is for calendar years 2014, 2015 and 2016, to date.

1. Stormwater Management Program (SWMP)
  - i. Provide a copy of the Stormwater Management Plan ("SWMP"), and any attachments thereto.
2. Public Involvement and Participation
  - i. Describe how the City has involved the public in the development and submittal of the SWMP.
  - ii. Describe the target audience of the City's public education program and public involvement program.
  - iii. Provide a list of dates when stormwater-related Public Meetings were held during each year of the period of review.
  - iv. Provide a list of the community clean-up events organized, led, or funded by the City during each year of the period of review. Documentation evidencing the data presented in the summary should also be provided.

- v. Provide a list of locations and/or number of stormwater inlets stenciled during each year of the period of review. In addition, describe the City's inlet stenciling maintenance plan and procedures.

### 3. Illicit Discharge Detection and Elimination

- i. Provide a map of the storm sewer system, showing the location of all outfalls and the names and location of all waters of the state that receive discharges from those outfalls.
- ii. Describe the City's implementation plan and activities regarding the illicit discharge detection and elimination ("IDDE") program.
- iii. Provide a blank copy of the City's dry weather inspection document used to perform inspections.
- iv. Provide a list of inspections conducted and enforcement actions taken by the City of Columbus under its IDDE program during each year of the period of review, and documentation evidencing the data presented in the summary.
- v. Provide the City's enforcement escalation procedures for violations discovered under the IDDE program.
- vi. Provide a list of identified discharges, if any, and describe follow-up action(s) for discharges identified during each year of the period of review.

### 4. Construction Site Stormwater Runoff Program

- i. Describe specifically what the City's construction ordinance excludes (City Code Chapter 54.06.B).
- ii. Provide a copy of the construction plan review procedures.
- iii. Provide a copy of the construction site inspection and enforcement procedures.
- iv. Provide a list of all construction plans reviewed, and a copy of two representative plans reviewed during each year of the period of review.
- v. Provide a list of all construction inspections conducted by the City and a copy of two representative inspections conducted by the City during each year of the period of review.
- vi. Provide a list of enforcement actions taken by the City of Columbus under its construction program during each year of the period of review.

### 5. Post-Construction Stormwater Management

- i. Describe specifically what the City's post-construction ordinance excludes (City Code Chapter 54.06.B).
- ii. Provide a copy of the post-construction plan review procedures.
- iii. Provide a copy of the post-construction site inspection and enforcement procedures.
- iv. Provide a list of all post-construction plans reviewed, and a copy of two representative plans reviewed during each year of the period of review.

- v. Provide a list of all post-construction inspections conducted by the City, and a copy of two representative inspections conducted by the City during each year of the period of review.
  - vi. Describe the City's implementation plan and activities regarding the post-construction program.
  - vii. Provide a list of enforcement actions taken by the City of Columbus under its post-construction programs during each year of the period of review.
6. Pollution Prevention/Good Housekeeping for Municipal Operations
- i. Describe the City's implementation plan and activities regarding the pollution prevention/good housekeeping program, and provide a copy of the City's Standard Operating Procedures for evaluating municipal operations.
7. Annual Report
- i. Provide a copy of the City's BMP assessment monitoring plan. In addition, include documentation of the monitoring program work, data, sampling, and assessments generated hereto during each year of the period of review.

ENCLOSURE 2

**STATEMENT OF CERTIFICATION**

**(To be submitted with your response to the Information Request)**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

**40 C.F.R. § 122.22(a). Signatories to permit applications and reports.**

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.*

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

